IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(1) Writ Petition No. 7579 of 2004

Shri Bhaskar Chendraiah
Mangalarapu ..Petitioner

vs.

1. Administrative Officer
Municipal Education Board
Bhiwandi and ors. ..Respondents

Shri M.S.Lagu for petitioner.
Shri R.M.Agrawal with Shri G.R.Agrawal for
respondent no.1.
Shri R.D.Rane, Addl.G.P. for respondent nos.2 and 3

with
(2) Writ Petition No.7580 of 2004

Shri Udaykumar Yesudas
Medikonda ..Petitioner

vs.

1. Administrative Officer
Municipal Education Board
Bhiwandi and ors. ..Respondents

Shri M.S.Lagu for petitioner.
Shri R.M.Agrawal with Shri G.R.Agrawal for
respondent no.1.
Shri R.D.Rane, Addl.G.P. for respondent nos.2 and 3

(3) Writ Petition No.7588 of 2004

Shri Anand K.Chakkara ..Petitioner

vs.

1. Administrative Officer
Municipal Education Board
Bhiwandi and ors. ..Respondents

Shri M.S.Lagu for petitioner
Shri R.M.Agrawal with Shri G.R.Agrawal for
respondent no.1.
Shri R.D.Rane, Addl.G.P. for respondent nos. 2
and 3

CORAM: A.P.SHAH AND
C.S.DHARMADHIKARI JJ.

23rd November, 2004

P.C.

1. Heard Advocates.

2. This group of petitions involves common question of law and facts and can be conveniently disposed of by a common order.

3. The petitioners are working as Asstt.Teachers in primary municipal schools conducted by respondent no.1. By these petitions the petitioners have impugned the orders by which certain amounts paid excessively, according to the State, are sought to be recovered. It is admitted position that recovery was ordered without giving the petitioners an opportunity of giving show cause and without being heard in that regard. It is obvious that the said orders are in violation of the principles of natural justice.

4. In Writ Petition No.7579 of 2004 the Division Bench had specifically directed the respondents to grant personal hearing to the petitioner, but inspite of the order of the Division Bench, respondent no.1 has initiated recovery on the basis of audit objections. In our opinion, Respondent no.1 was clearly in error in directing recovery

without affording to the petitioners an opportunity of hearing. We, therefore, quash and set aside the impugned orders of recovery. We direct respondent nos.1 to grant personal hearing to the concerned petitioners and take a decision in accordance with law within a period of 3 months from today. It is needless to say that till the fresh orders are passed by respondent no.1 the petitioners will be entitled to trained teachers' salary. The arrears of salary, if any, shall be cleared within a period of 4 weeks from today.

5. Petitions are disposed of accordingly.